

# *DFEH News Brief*

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## **Fair Employment and Housing Commission Awards Damages for Sexual Orientation Discrimination**

**Elk Grove** – The Department of Fair Employment and Housing (DFEH) today announced that the right of Californians to be free from discrimination by a housing provider because of their sexual orientation has been reaffirmed by the Fair Employment and Housing Commission.

The DFEH sued New Beginnings, a board and care home located in San Jose, and manager Juanita Prunty, charging that Prunty discriminated against Nora Jensen on the basis of her sexual orientation. Jensen rented a room from Prunty in April 2003. Just three days later, Jensen informed Prunty that she had just ended a four-year relationship with her female partner. Upon learning that Jensen was a lesbian, Prunty declared that “homosexuality is an abomination” and “ . . . I don’t want any of ‘that’ in my house.”

Thereafter, Prunty subjected Jensen to differential terms and conditions such as restrictions upon her access to the women’s dorm room. With the help of a local mental health advocacy group, Jensen eventually relocated to another board and care home where she was required to pay higher rent. That advocacy group requested that Project Sentinel, a non-profit Bay Area housing rights organization, investigate New Beginnings. Testers dispatched by Project Sentinel found that Prunty treated prospective heterosexual tenants differently than those who described themselves as homosexual, by indicating a preference for heterosexual tenants.

In its written decision, the Fair Employment and Housing Commission rejected Prunty’s argument that her comments were made in conformity with her belief in the Bible and qualified as speech protected by the First Amendment. Under California law, a landlord’s religious beliefs do not justify violations of the Fair Employment and Housing Act’s prohibitions on discrimination because of sexual orientation.

“This case serves to remind California housing providers that not only is it unlawful to deny housing based upon a person’s sexual orientation, it is also unlawful to make statements of preference or provide differential treatment because of a tenant or prospective tenant’s sexual orientation,” noted DFEH Director Suzanne Ambrose. “There are also organizations such as Project Sentinel which conduct tests to verify allegations of discrimination. The work of Project Sentinel in this case provided key evidence proving Ms. Jensen’s allegations.”

Prunty was ordered to pay Jensen \$5,000 in compensation for her emotional pain and suffering, in addition to a \$1,000 civil penalty. Prunty must also pay Project Sentinel \$1,279 for the diversion of its resources, as well as \$500 for future outreach. New Beginnings has been ordered to adopt and post an anti-discrimination policy, and Prunty and property owner Otis Johnson must both undergo training, at their own expense, on state and federal anti-discrimination law.

The DFEH enforces laws prohibiting discrimination in employment, housing, public accommodations and acts of hate violence. Further information about the DFEH and its services may be obtained by visiting the Department’s web site at [www.dfeh.ca.gov](http://www.dfeh.ca.gov) or by calling (800) 884-1684.